

## **REMARKS**

The Examiner is thanked for the performance of a thorough search.

By this amendment, Claims 1-26 have been amended to particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. The amendments made herein are not made for reasons related to patentability of the subject matter featured therein, as the Applicants reserve the right to pursue prosecution of the claims as originally filed in this application or a continuation application. No claims have been added or cancelled. Hence, Claims 1-26 are pending in the application.

## **THE DRAWINGS SHOW EVERY FEATURE OF THE INVENTION**

The drawings have been objected to under 37 C.F.R. § 1.83(a) for allegedly not showing every feature of the invention specified in the claims. In particular, the Office Action asserts that (a) holding child process, (b) waiting child process, and (c) the waiting subroutine are not featured in the drawings.

Applicants respectfully submit that the subject matter identified above is featured in the drawings of the present application. To more particularly point out and distinctly claim the subject matter that the Applicants regard as their invention, the pending claims have been amended to recite (a) “holding process” instead of “holding child process,” (b) “waiting process” instead of “waiting child process,” and (c) “waiting process” instead of “waiting subroutine.” A holding process is featured in FIG. 3 as holding routine 54. A waiting process is featured in FIG. 3 as waiting routine 55 and in FIG. 7 as the waiting subroutine 128. Further, FIG. 4 is a flowchart that features steps involving the holding process and the waiting process, such as steps 71, 72, 73, 74, 75, 76, 77, 78, as 82. FIG. 5 is a flowchart showing the steps performed by the holding process in the flowchart of FIG. 4. FIG. 6 is a flowchart showing the

steps performed by the waiting process in the flowchart of FIG. 4. FIG. 8 is a flowchart showing a method for detecting termination of an application instance involving a waiting process. FIG. 9 is a flowchart showing the steps performed by the waiting process in the flowchart of FIG. 8.

It is submitted that the test to determine whether a feature specified in the claims is shown in a drawing is not whether a drawing contains a component having the same name as the feature recited in the claim, but whether the drawings show the concepts of the feature. Thus, minor deviations between terms used in the claims and those used in the drawings are to be expected, as a different term may be more appropriate for use in the claim than used in a drawing, e.g., for purposes of antecedent basis, clarity, or to properly define the subject matter which the Applicants regard as their invention.

Consequently, it is respectfully submitted that the objections to the drawings under 37 C.F.R. 1.83(a) cannot be maintained, and reconsideration of the objections to the drawings is respectfully requested.

#### **THE SPECIFICATION HAS BEEN AMENDED**

The specification was objected to for not containing cross-reference identification information to related applications. The Applicants have amended their specification to recite the cross-reference identification information to related applications. Consequently, it is respectfully submitted that the objections to the specification have been overcome.

#### **RESPONSE TO REJECTIONS MADE UNDER 35 U.S.C. § 112**

Claims 1-26 have been rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which

the Applicants regard as their invention. Specifically, the Office Action recited the following rejections: (a) Claims 1-12 and 14-25 are rejected for including the term “forked,” (b) Claims 1, 7, 14, and 20 are rejected for including the phrase “blocking on the exclusive lock,” (c) Claim 13 is rejected for including the phrases “according to claim 7” and “holding code,” and (d) Claim 26 is rejected for including the phrases “according to claim 20” and “holding code.”

The pending claims have been amended herein to more particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. The pending claims cease to recite the above-identified terms and phrases deemed objectionable under 35 U.S.C. § 112, second paragraph. Consequently, Applicants respectfully submit that the rejections made under 35 U.S.C. § 112, second paragraph have been overcome.

#### **RESPONSE TO REJECTIONS MADE UNDER 35 U.S.C. § 102**

Claims 1, 2, and 6-13 were rejected under 35 U.S.C. § 102(b) as being allegedly being anticipated by U.S. Patent No. 5,890,153 issued to Fukuda (“*Fukuda*”).

Applicants respectfully traverse.

#### **Claims 9-11 have been rejected without explanation**

It is respectfully noted that, while Claims 9-11 have been rejected under 35 U.S.C. § 102(b), no explanation has been provided in the Office Action as to why Claims 9-11 are not patentable over the cited art. Consequently, it is respectfully requested that the rejection of Claims 9-11 under 35 U.S.C. § 102(b) be removed, or an explanation be provided as to why Claims 9-11 are not patentable under 35 U.S.C. § 102(b).

Claim 1 is patentable over *Fukuda*

Claim 1 recites the following features:

“a holding process configured to obtain a first exclusive lock on an object maintained by the application instance;  
a waiting process configured to (a) request a second exclusive lock on the object after the holding process has been granted the first exclusive lock on the object, and (b) return a result signal, to a monitor process, upon at least one of acquiring the second exclusive lock and ceasing to be blocked;  
and  
the monitor process configured to process the result signal to determine whether the application instance has terminated (emphasis added)”

The above combination of elements are not disclosed, taught, or suggested by *Fukuda*.

*Fukuda* teaches a user interface that may be used to define a parent/child relationship between “child” data and “parent” data. Thereafter, when the “child” data is accessed, both the “child” data and the “parent” data are locked.

Significantly, no portion of *Fukuda* discusses the concept of determining whether an application instance or a database instance has terminated. As a result, the element of “the monitor process configured to process the result signal to determine whether the application instance has terminated,” featured in Claim 1, cannot possibly be disclosed, taught, or suggested by *Fukuda*.

Further, no portion of *Fukuda* discloses any system component analogous to “a waiting process configured to (a) request a second exclusive lock on the object after the holding process has been granted the first exclusive lock on the object, and (b) return a result signal, to a monitor process, upon at least one of acquiring the second exclusive lock and ceasing to be blocked.” The portion of *Fukuda* cited to show this (Col. 6, lines 55-62; Col. 5, lines 31-47) merely discusses generating an object that stores a relationship to a parent object, and an approach for locking the child object and the parent object. This portion does not discuss the concept of either (1) a request for an exclusive lock on a object after a holding process has

already been granted an exclusive lock on the object, or (2) returning a result signal, to a monitor process, upon at least one of acquiring the second exclusive lock and ceasing to be blocked. Thus, this quoted element also cannot possibly be disclosed, taught, or suggested by *Fukuda*.

As one or more elements of Claim 1 are not disclosed, taught, or suggested by *Fukuda*, it is respectfully submitted that Claim 1 is patentable over *Fukuda*, and is in condition for allowance.

#### Claims 2 and 6

Claims 2 and 6 are dependent claims, each of which directly depends on Claim 1. Each of Claims 2 and 6 is therefore allowable for the reasons given above with respect to Claim 1. In addition, each of Claims 2 and 6 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

#### Claim 7

Claim 7 is an independent claim. Claim 7 was rejected “under the same rationale” as Claim 1. However, Claim 7 features one or more elements that are not recited in Claim 1. For example, Claim 7 recites the following features:

A method for detecting termination of an application instance using locks,  
comprising:  
starting a holding process configured to perform the steps of :

(a) acquiring a first exclusive lock on an object maintained by the application instance, and  
(b) returning a ready signal, to a monitor process, upon successfully acquiring the first exclusive lock; and  
in response to receiving the ready signal, starting a waiting process configured to perform the steps of:  
(a) connecting to the application instance,  
(b) requesting a second exclusive lock on the object maintained by the application instance, and  
(c) returning, to the monitor process, a result signal upon at least one of acquiring the second exclusive lock and ceasing to be blocked;  
and  
processing the result signal, at the monitor process, to determine whether the application instance has terminated.

Each element of Claim 7 is not recited in Claim 1. Thus, there is no explanation on the record as to why Claim 7 is not patentable over the art of record. Consequently, it is respectfully submitted that Claim 7 be allowed over the art of record, or an explanation as to why Claim 7 is not patentable over the art of record be provided.

#### Claims 8 and 11-12

Claims 8 and 11-12 are dependent claims, each of which directly depends on Claim 7. Each of Claims 8 and 11-12 is therefore allowable for the reasons given above with respect to Claim 7. In addition, each of Claims 8 and 11-12 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

Claim 13

Claims 13 is an independent claim that is recited in machine-readable medium format.

Claim 13 recites features similar to those recited in Claim 7. Consequently, Claim 13 is patentable over the cited art for at least the reasons given above with respect to Claim 7.

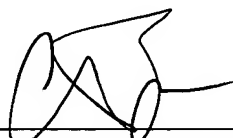
## CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

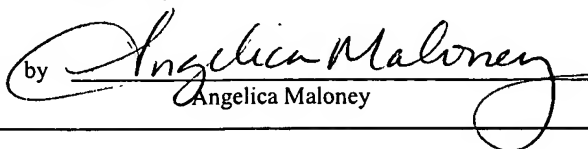
The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages Deposit Account No. 50-1302.

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on	<u>March 16, 2005</u> by  Angelica Maloney